

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KIRK D. ROBINSON,

Plaintiff,

vs.

ROB JEFFREYS, Director of Nebraska  
Department of Corrections, sued in his  
individual capacity;

Defendant.

**8:23CV419**

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's "Motion for Dismissal," which the Court construes as a motion to dismiss pursuant to [Federal Rule of Civil Procedure 41\(a\)](#). [Filing No. 10](#). Rule 41(a) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, Rule 41(a)(2) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#).

Here, Plaintiff asks the Court to dismiss this action and the Defendants have not been served with process. Accordingly,

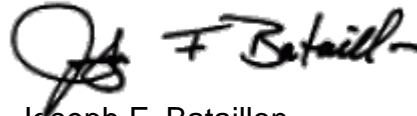
IT IS ORDERED that:

1. Plaintiff's request for dismissal of this action, [Filing No. 10](#), is granted. This matter is dismissed without prejudice.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 30th day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long horizontal stroke at the end.

Joseph F. Bataillon  
Senior United States District Court